

**UNOFFICIAL COPY**

95907979

This instrument prepared by  
or under the direction of:

DOS95\00810.MAM

*William C Basne*  
William C. Basney, Esq.  
Senior Counsel  
CSX Transportation, Inc.  
500 Water Street  
Jacksonville, Florida 32202

*33.02*  
*378*

THIS DEED, made this 26<sup>th</sup> day of December, 1995, between The Baltimore and Ohio Chicago Terminal Railroad Company, an Illinois corporation, whose mailing address is 500 Water Street, Jacksonville, Florida 32202, hereinafter called "Grantor", and Romualda J. Kistingner, whose mailing address is 1501 West Darien Lake Drive, Darien, Illinois 60561, hereinafter called "Grantee", WITNESSETH:

(Wherever used herein, the terms "Grantor" and "Grantee" may be construed in the singular or plural as the context may require or admit, and for purposes of exceptions, reservations and/or covenants, shall include the heirs, legal representatives and assigns of individuals or the successors and assigns of corporations.)

THAT Grantor, for and in consideration of the sum of FIVE HUNDRED FORTY TWO THOUSAND U.S. DOLLARS (\$542,000.00), to it in hand paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee, his heirs, legal representatives and assigns, that certain tract or parcel of land situate, lying and being at Chicago, County of Cook, State of Illinois, hereinafter designated "the Premises," more particularly described in Exhibit A attached hereto and incorporated herein, and containing 0.871 acres, more or less.

TOGETHER WITH all buildings, structures and improvements, including, but not limited to metal light poles, fencing, metal guard rails, wood dock wall, concrete vault, drop shaft, concrete platforms, paving, and metal sheet piling located thereon, and all and singular the rights, alleys, ways, waters, privileges, hereditaments and appurtenances to said Premises belonging or in anyway incident or appertaining.

RESERVING unto Grantor, its successors or assigns, the temporary right to review and approve all buildings, site plans, landscaping and signage proposed for development of the Premises and any construction conducted thereon, such approval not to be unreasonably withheld; provided, however, this reserved right of review and approval shall not apply to construction of improvements associated to the operation of a surface parking lot, including without limitations, curbcuts, pouring, lighting, fencing, attendant booth and parking control devices. This reserved right of review and approval shall expire on December 31, 1998.

**BOX 333-CTI**

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11/15/95

Property of Cook County Office

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 \* DEPT. OF REVENUE DEC 29 95 \*  
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 \* REAL ESTATE TRANSACTION TAX \*  
 \* CITY OF CHICAGO \*

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 \* REAL ESTATE TRANSACTION TAX \*  
 \* CITY OF CHICAGO \*

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 \* DEPT. OF REVENUE DEC 29 95 \*  
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 \* REAL ESTATE TRANSACTION TAX \*  
 \* CITY OF CHICAGO \*

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Cook County

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FURTHER RESERVING unto Grantor, its successors or assigns, the right to control future zoning with respect to any planned development which includes the Premises ("Zoning Control Party"). As such Zoning Control Party, Grantor, its corporate affiliates, successors, assigns or designee shall be the only party authorized to control, seek or obtain zoning changes, planned development approvals, Part II approvals or administrative relief or other land use relief in connection with the Premises (provided, however, that Grantor shall not seek or obtain any such relief if its effect is in any manner to cause the Premises, in whole or in part, to become non-conforming as to use, existing improvements or any other matter), provided that if Grantor, in its reasonable opinion, determines that any change, approval or relief requested by Grantee is in conformance with the general purposes, intent and goals of the planned development, Grantor agrees to designate Grantee as its agent for the purposes of such request.

TO HAVE AND TO HOLD the Premises unto Grantee, Grantee's heirs and assigns or successors and assigns, forever.

Grantor hereby WARRANTS that: (a) SUBJECT TO reservations, exceptions, easements, covenants, restrictions and limitations of record or platted, all existing public utilities and roadways, and all existing encroachments, ways and servitudes, howsoever created, determinable by a proper survey or by an inspection thereof, including, but not limited to rights, if any, of the public in and to the waters of the South Branch of the Chicago River; an easement in favor of the Sanitary district of Chicago recorded among the Public Land Records of Cook County, Illinois as Document Number 16974658; easements in favor of the Metropolitan Sanitary District of Greater Chicago recorded aforesaid as Document Number 7611684; and easements in favor of Commonwealth Edison Company, recorded aforesaid as Document Numbers 91013398 and 91107611; and manholes; Grantor, for itself and its successors and assigns, agrees forever to defend the Premises unto Grantee and Grantee's heirs, executors, administrators, successors and assigns, against claims of or by Grantor and all other persons lawfully claiming or to claim the same or any part thereof by, through or under Grantor; (b) Grantor will execute such other and further assurances of the same as may be required.

Grantor is currently the owner of a 6.0+/- acre parcel of land located adjacent to the Premises (the "Adjacent Property"). Grantor, or any corporate affiliate of Grantor, agrees not to engage in the parking business in the capacity of owner, operator, manager, or lessor for any such parking business, either on a for-profit or non-profit basis, nor as principal, agent or employee in the parking business, on the Adjacent Property for a period of three (3) years from the date of the recording of this Deed.

The reservations contained in the two preceding paragraphs are deemed to be covenants running with the land.

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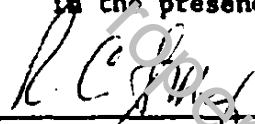
DEPT-01 RECORDING \$33.00  
 T#0012 TRAN 8456 12/29/95 14:53:00  
 #8905 ; DT \* -95-907979  
 COOK COUNTY RECORDER  
 DEPT-16 PENALTY \$30.00

IN WITNESS WHEREOF, The Baltimore and Ohio Chicago Terminal Railroad Company, pursuant to due corporate authority, has caused its name to be signed hereto by its officers hereunto duly authorized and its corporate seal, duly attested, to be hereunto affixed.


Signed, sealed and delivered

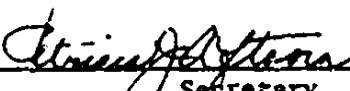
THE BALTIMORE AND OHIO CHICAGO  
TERMINAL RAILROAD COMPANY:

in the presence of:

  
 \_\_\_\_\_  
 RICHARD C. SIBLEY

By Michael Ward  
 \_\_\_\_\_  
 MICHAEL WARD

  
 \_\_\_\_\_  
 Betty D. Jones

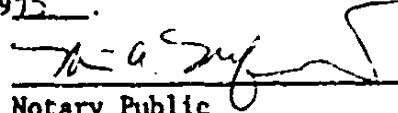
Attest  (SEAL)  
 \_\_\_\_\_  
 Patricia J. Moore  
 Secretary

STATE OF FLORIDA )  
 ) SS.  
 COUNTY OF DUVAL )

I, Marie A. Musfeldt, Notary Public of the State of Florida and the County of Duval, do certify that, on the date below, before me in said County came MICHAEL WARD, ( ) to me known, and/or ( ) proven by satisfactory current evidence to be the person whose name is subscribed to the above instrument, who, being by me first duly sworn, did make oath, acknowledge and say that: he resides in Jacksonville, Duval County, Florida; he is Senior Vice President, of The Baltimore and Ohio Chicago Terminal Railroad Company, the corporation described in and which executed said instrument; he is fully informed of the contents of the instrument; he knows the seal of said corporation; the seal affixed to said instrument is such seal; it was so affixed by authority of the Board of Directors of said corporation; he signed his name thereto for said corporation pursuant to Board authority; and instrument is the free act and deed of said corporation; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this 26th day of December, 1995.

My commission expires on:

 (SEAL)  
 \_\_\_\_\_  
 Notary Public  
 Print Name: \_\_\_\_\_

MARIE A. MUSFELDT  
 Notary Public, State of Florida  
 My Comm. expires June 12, 1999  
 Comm. No. CC 471190

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## EXHIBIT A

Description of property at: Cook County, Illinois  
To: Romualda J. Kistingar  
CSXT Deed File No.: 1995-00810

THAT PART OF BLOCKS 85 AND 86 IN THE SCHOOL SECTION ADDITION TO CHICAGO, BEING A SUBDIVISION OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE FILLED OLD CHANNEL OF THE SOUTH BRANCH OF THE CHICAGO RIVER ALL TAKEN AS A TRACT AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF BLOCK 86 AFORESAID, AND THE SOUTH LINE OF WEST POLK STREET, BEING ALSO THE NORTH LINE OF BLOCK 86, AFORESAID;

THENCE NORTH 89 DEGREES 53 MINUTES 33 SECONDS WEST ALONG THE SOUTH LINE OF WEST POLK STREET 10.00 FEET TO A POINT ON THE WEST LINE OF SOUTH WELLS STREET (SAID WEST LINE BEING DRAWN 10.00 FEET WEST OF AND PARALLEL WITH THE AFOREMENTIONED EAST LINE OF BLOCK 86) SAID POINT BEING THE POINT OF BEGINNING OF THE TRACT HEREINAFTER DESCRIBED;

THENCE SOUTH 90 DEGREES 03 MINUTES 37 SECONDS EAST ALONG THE WEST LINE OF SOUTH WELLS STREET AFORESAID, 796.63 FEET, TO A POINT ON THE NORTH LINE OF WEST TAYLOR STREET, BEING ALSO THE SOUTH LINE OF BLOCK 85, AFORESAID;

THENCE NORTH 89 DEGREES 55 MINUTES 45 SECONDS WEST, ALONG SAID NORTH LINE OF WEST TAYLOR STREET 303.53 FEET TO THE EAST LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AS ESTABLISHED BY ORDINANCE PASSED JULY 8, 1926;

THENCE NORTH 5 DEGREES 26 MINUTES 15 SECONDS WEST ALONG THE EAST LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AFORESAID, 302.84 FEET TO ITS POINT OF INTERSECTION WITH THE SOUTHWESTERLY FACE OF THE DOCK AS IT EXISTED PRIOR TO JULY 8, 1926;

THENCE NORTH 17 DEGREES 31 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AFORESAID 39.09 FEET;

THENCE NORTH 04 DEGREES 27 MINUTES 27 SECONDS WEST ALONG THE EAST LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AFORESAID, 459.60 FEET TO A POINT ON THE HERETOFORE MENTIONED SOUTH LINE OF WEST POLK STREET;

THENCE SOUTH 89 DEGREES 53 MINUTES 33 SECONDS EAST ALONG THE SOUTH LINE OF WEST POLK STREET AFORESAID, 378.88 FEET TO THE HEREBOWE DESIGNATED POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

THAT PART OF BLOCKS 85 AND 86 IN THE SCHOOL SECTION ADDITION TO CHICAGO, BEING A SUBDIVISION OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN AND THE FILLED OLD CHANNEL OF THE SOUTH BRANCH OF THE CHICAGO RIVER ALL TAKEN AS A TRACT AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF BLOCK 86 AFORESAID, AND THE SOUTH LINE OF WEST POLK STREET, BEING ALSO THE NORTH LINE OF BLOCK 86, AFORESAID;

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THENCE NORTH 89 DEGREES 53 MINUTES 33 SECONDS WEST ALONG THE SOUTH LINE OF WEST POLK STREET 10.00 FEET TO A POINT ON THE WEST LINE OF SOUTH WELLS STREET (SAID WEST LINE BEING DRAWN 10.00 FEET WEST OF AND PARALLEL WITH THE AFOREMENTIONED EAST LINE OF BLOCK 86) SAID POINT BEING THE POINT OF BEGINNING OF THE TRACT HEREINAFTER DESCRIBED;

THENCE SOUTH 0 DEGREES 03 MINUTES 37 SECONDS EAST ALONG THE WEST LINE OF SOUTH WELLS STREET AFORESAID, 674.00 FEET;

THENCE NORTH 89 DEGREES 55 MINUTES 45 SECONDS WEST, 315.078 FEET TO THE EAST LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AS ESTABLISHED BY ORDINANCE PASSED JULY 8, 1926;

THENCE NORTH 5 DEGREES 26 MINUTES 15 SECONDS WEST ALONG THE EAST LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AFORESAID, 179.644 FEET TO ITS POINT OF INTERSECTION WITH THE SOUTHWESTERLY FACE OF THE DOCK AS IT EXISTED PRIOR TO JULY 8, 1926;

THENCE NORTH 11 DEGREES 31 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AFORESAID, 39.09 FEET;

THENCE NORTH 4 DEGREES 27 MINUTES 27 SECONDS WEST ALONG THE EAST LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AFORESAID, 459.60 FEET TO A POINT ON THE HERETOFORE MENTIONED SOUTH LINE OF WEST POLK STREET;

THENCE SOUTH 89 DEGREES 53 MINUTES 33 SECONDS EAST ALONG THE SOUTH LINE OF WEST POLK STREET AFORESAID, 378.88 FEET TO THE HEREINABOVE DESIGNATED POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

AFTER RECORDING, MAIL TO:  
FRANK W. WINTER  
527 S. WELLS ST. SUITE 800  
CHICAGO IL 60607

BEING more particularly shown on plat of survey dated October 19, 1993, prepared by Chicago Guarantee Survey Company, Professional Land Surveyor Corporation Number 1, incorporated herein by reference.

BEING the same property acquired by Grantor, from American National Bank and Trust company of Chicago, Trustee, by deed dated September 2, 1983, recorded among the Public Land Records of Cook County, Illinois, as Document Number 93927790.

Chas. 900 S. Wells, Chicago, IL

TAX # 17-13-401-003-0000

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STATE OF ILLINOIS )

)ss.

COUNTY OF COOK )

Jeffrey P. Gray, being duly sworn on oath,  
states that he resides at 2144 Thornwood, Wilmette, IL

That the attached deed is not in violation of Section 1 of Chapter 109 of the Illinois Revised Statutes for one of the following reasons:

A. Said Act is not applicable as the grantors own no adjoining property to the premises described in said deed.

-OR-

- B. The conveyance falls in one of the following exemptions enumerated in said Paragraph 1.
1. The division or subdivisions of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access;
  2. The division of lots or blocks of less than 1 acre of any recorded subdivision which does not involve any new streets or easements of access;
  3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
  4. The conveyance of parcels of land or interest therein for use as a right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
  5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
  6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
  7. Conveyances made to correct descriptions in prior conveyances;
  8. The sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
  9. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by a registered surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.

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CIRCLE NUMBER AND/OR LETTER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

Affiant further states that he makes this affidavit for the purpose of inducing the Recorder of Deeds of Cook County, Illinois, to accept the attached deed for recording. *safely on behalf of the Baltimore & Ohio Terminal Railroad Company and Chicago not personally*

Jeffrey P. Gray

SUBSCRIBED and SWORN to before me this 28th day of December 1995.

[Signature]  
NOTARY PUBLIC

